

G. DALLAS HORTON & ASSOCIATES  
 G. DALLAS HORTON, ESQ.  
 Nevada Bar No. 5996  
 DAVID L. THOMAS, ESQ.  
 Nevada Bar No. 3172  
 CHRISTIAN Z. SMITH, ESQ.  
 Nevada Bar No. 8266  
 4435 South Eastern Avenue  
 Las Vegas, Nevada 89119  
 (702) 380-3100  
*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEVADA**

G. DALLAS HORTON & ASSOCIATES, a	)	CASE NO. 2:15-cv-01693-JCM-GWF
Nevada Corporation;	)	
	)	<b>PLAINTIFF'S REPLY TO</b>
Plaintiff,	)	<b>DEFENDANT SOUTHWEST</b>
v.	)	<b>AIRLINES CO. FUNDED WELFARE</b>
	)	<b>BENEFIT PLAN'S RESPONSE TO</b>
CYNTHIA HARRIS, an individual,	)	<b>MOTION TO DISTRIBUTE FUNDS</b>
LINCOLN FINANCIAL GROUP;	)	<b>PURSUANT TO FRCP 22</b>
THE LINCOLN NATIONAL LIFE	)	
INSURANCE COMPANY;	)	
CIGNA GROUP INSURANCE;	)	
LIFE INSURANCE COMPANY OF NORTH	)	
AMERICA;	)	
BENEFIT RECOVERY, INC.;	)	
UNITED HEALTHCARE OF NEVADA	)	
INCOPORATED;	)	
AMERICAN MEDICAL RESPONSE;	)	
FREMONT EMERGENCY SERVICES;	)	
RADIOLOGY ASSOCIATES OF NEVADA;	)	
ST. ROSE DOMINICAN –	)	
SAN MARTIN CAMPUS;	)	
ALIGN CHIROPRACTIC CENTENNIAL	)	
GROUP;	)	
ANTHEM CHIROPRACTIC;	)	
SELECT PHYSICAL THERAPY;	)	
PERSONAL PRIMARY CARE, P.C.	)	
LAS VEGAS RADIOLOGY;	)	
MEDICAL FUNDING RESOURCES;	)	
...	)	
...	)	

1 ADVANCED ORTHOPEDICS & SPORTS )  
 MEDICINE; )  
 2 ADVANCED PAIN CONSULTANTS; )  
 3 DOE I-V, inclusive; and ROE I-V, inclusive, )  
 )  
 4 Defendants. )

5 **PLAINTIFF'S REPLY TO DEFENDANT SOUTHWEST AIRLINES CO. FUNDED**  
 6 **WELFARE BENEFIT PLAN'S RESPONSE TO MOTION TO**  
 7 **DISTRIBUTE FUNDS PURSUANT TO FRCP 22**

8 COMES NOW, Plaintiff, by and through it's attorney, DAVID L. THOMAS, ESQ., of  
 9 the law firm G. DALLAS HORTON & ASSOCIATES and files this Reply to Defendant  
 10 Southwest Airlines Co. Funded Welfare Benefit Plan's Response to Motion to Distribute Funds  
 pursuant to FRCP 22.

11 DATED this 18th day of February, 2016.

12 G. DALLAS HORTON & ASSOCIATES

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 15 G. DALLAS HORTON, ESQ.

16 Nevada Bar No. 5996

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18 Nevada Bar No. 3172

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20 Nevada Bar No. 8266

4435 South Eastern Avenue

Las Vegas, Nevada 89119

*Attorneys for Plaintiff*

21  
 22 **I.**

23 **INTRODUCTION**

24 An interpleader Plaintiff "is supposed to be disinterested in the ultimate disposition of  
 25 the" interpleader fund. *Mut. of Omaha Ins. Co. v. Estate of Arachikavitz*, No. 2:06-CV-00830-  
 26 BES, 2007 WL 2788604, at \*5 (D. Nev. Sept. 21, 2007). As such, the Interpleader Plaintiff has  
 27 taken no position as to the disposition of the funds beyond what the Nevada Supreme Court  
 28 stated in *Michel v. Eighth Judicial Dist. Court ex rel. County of Clark*, 117 Nev. 145, 150-51, 17

1 P.3d 1003, 2007 (Nev., 2001): The Interpleader Plaintiff's lien has priority over other  
2 lienholders and is not subject to any sharing with other lienholders.

3 Here, the interpleader fund is \$35,000.00. Based on *Michel* the Interpleader Plaintiff's  
4 only position is that it is entitled to its entire \$13,285.91 out of the \$35,000.00 in available funds.  
5 Under *Arachikavitz*, the Interpleader Plaintiff is disinterested in, and takes no position on, how to  
6 distribute the remaining funds.

7 Southwest Airlines' ("SWA") position does not change the fact that the Interpleader  
8 Plaintiff is entitled to its entire lien amount.

9 **A. SWA's Position does not Change the Results the Interpleader Plaintiff Requests**

10 SWA's position and cited authority indicate that SWA has priority over all the other  
11 lienholders, including the Interpleader Plaintiff. However, neither SWA nor any other  
12 Interpleader Defendant disputes the Interpleader Plaintiff's interpretation of *Michel*. Likewise,  
13 SWA does not argue that the Interpleader Plaintiff has to share its lien with any other lienholder  
after SWA's lien is satisfied.

14 As shown below, the Court can satisfy both SWA's lien and the Interpleader Plaintiff's  
15 liens in their entirety and still have money left to distribute to the other Interpleader Defendants  
16 remaining in the action on any basis that the Court sees fit. The Interpleader Plaintiff's lien is  
17 \$13,285.91. SWA's lien is for \$9,124.56. These two liens total \$22,410.47.

18 The total amount of interpleader funds is \$35,000.00. If the Court satisfies both SWA's  
19 lien and the Interpleader Plaintiff's lien in their entirety, there would still be \$12,589.53 in  
20 interpleader funds remaining for the other Interpleader Defendants for the Court to distribute.

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II.

CONCLUSION

The above being true, SWA's position does not dilute the Interpleader Plaintiff's right to its entire lien amount of \$13,285.91. The Interpleader Plaintiff again respectfully requests that the Court order the Interpleader Plaintiff receive that amount.

DATED this 18th day of February, 2016.

G. DALLAS HORTON & ASSOCIATES



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Las Vegas, Nevada 89119

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing document entitled **PLAINTIFF'S  
REPLY TO DEFENDANT SOUTHWEST AIRLINES CO. FUNDED WELFARE  
BENEFIT PLAN'S RESPONSE TO MOTION TO DISTRIBUTE FUNDS PURSUANT  
TO FRCP 22** has been served upon all counsel of record by using the United States District  
Court, District of Nevada's Case Management/Electronic Case Filing System that will  
electronically mail notification to the following counsel of record:

Ingrid Patin, Esq.  
PATIN LAW GROUP, PLLC  
7925 W. Russell Road, No. 401714  
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Attorneys for Defendant,  
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Puneet K. Garg, Esq.  
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*ANTHEM CHIROPRACTIC*

Joshua A. Sliker, Esq.  
BARRON & PRUITT, LLP  
3890 West Ann Road  
North Las Vegas, Nevada 89031  
Attorneys for Defendant,  
*THE SOUTHWEST AIRLINES CO.  
WELFARE BENEFIT PLAN, incorrectly named  
as SOUTHWEST AIRLINES CO.  
FUNDED WELFARE BENEFIT PLAN;*

Sarah A. Morris, Esq.  
Brian A. Morris, Esq.  
MORRIS & MORRIS  
6085 W. Twain Ave., Suite 201  
Las Vegas, Nevada 89103  
Attorneys for Defendant,  
*MEDICAL FUNDING RESOURCES*

1 and by placing a true and correct copy of same into a sealed envelope and into the regular U.S.  
2  
3 Mail, first class postage prepaid thereon, and addressed to the following at the address listed  
4 below:

5 Cynthia Harris  
6 10245 S. Maryland Parkway, #238  
7 Las Vegas, Nevada 89183  
8 *Defendant Pro Se*

9 Dated this 18<sup>th</sup> day of February, 2016.

10   
11 An employee of G. DALLAS HORTON & ASSOCIATES  
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